

REMARKS

I. Status of the Claims

This amendment responds to the Office Action dated October 14, 2008. Claims 1-3 and 9 were rejected. Claims 4-8 were objected to but indicated to be drawn to allowable subject matter. Applicants respectfully request reconsideration.

II. Claims 1-3 Are Novel Over Koncsek '795

More specifically, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Koncsek '795 (US 4,991,795). Applicants respectfully traverse this rejection. The Office Action contends that Koncsek '795 discloses "an aircraft supersonic inlet including a vent flap 44, a duct 40, an actuator 98, and a force detecting device 102" (Office Action, page 2). The Office Action further asserts that pressure within the plenum chamber 40 could be modified by opening or closing the vent door 44 in order to make the force on the actuator 98 equal essentially zero.

Koncsek '795 discloses a jet engine inlet, which includes a forward ramp 32 and an aft ramp 36 having an open slot 38 between them (see Figs. 2-4). A pressure sensor 78 is located on the forward ramp 32, and the vent door 44 is used to adjust the pressure in plenum chamber 40 so that the pressure in the plenum chamber 40 and at the slot 38 approximately equals the pressure on the forward ramp 32 (Col. 6, Lines 28-51). This allows supersonic air to flow through the jet engine inlet and into the inlet duct 117 where the supersonic air is slowed to a subsonic velocity. Neither pressure sensor 78, 102 measures both the pressure inside the plenum chamber 40 acting on one surface of the vent door 44 and the pressure of the relative wind acting on the opposite surface of the vent door 44. The pressure of the relative wind acting on the opposite surface of vent door 44 could be substantially different than the pressure on the

forward ramp 32, which is measured by pressure sensor 78. Consequently, the pressure sensor 102 is not a force detecting device which detects the force impinging on the actuator, as recited in claim 1. Konscek '795 fails to disclose any force detecting device which operates to detect a force on the actuator.

Furthermore, the stated rejection does not take into account the claimed feature that "the actuator is adapted to adjust the position of the air guiding flap such that the force impinging on the actuator is at least essentially zero." This feature has been dismissed as a method step limitation, but Applicants respectfully disagree with this conclusion. However, to move forward in prosecution, Applicants have amended claim 1 to more clearly show that this element is a part of the apparatus claim. As discussed above, the vent door 44 of Konscek '795 is opened or closed to set the pressure in plenum chamber 40 roughly equal to the pressure on the forward ramp 32. Konscek '795 does not disclose a vent door 44 that is moved so that force on the actuator 98 is approximately zero, as the pressure in the plenum chamber 40 could be properly set to be different than the pressure acting on the opposing surface of vent door 44.

For at least these reasons, Konscek '795 fails to disclose all of the features of claim 1, and Applicants respectfully request that the rejection be withdrawn. Additionally, claims 2-8 depend directly or indirectly from claim 1. Thus, each of these claims also includes the same features. In the same manner, Applicants respectfully request that the rejection of claims 2-3 be withdrawn.

III. Claim 9 Is Novel Over Sandre '716

Claim 9 was rejected under 35 U.S.C. §102(b) as being anticipated by Sandre '716 (US 3,238,716). Applicants respectfully traverse this rejection. Claim 9 recites a process of controlling an air guiding flap such that the pressure on opposing sides of the air guiding flap approaches equilibrium. The Office Action asserts that "the flap 15 of Sandre is positioned such

that the static pressure in duct 11 is balanced" (Office Action, page 2). Sandre '716 discloses a turbojet ramjet unit comprising flaps 15 which control the outlet section of a passage 12 for secondary flux of the turbo-fan towards a duct 11 supplying an annular combustion chamber 13. One surface of the flap 15 faces this secondary flux while the opposite surface of the flap 15 faces annular duct 10 and the direct flux of air supplying the annular combustion chamber 13 (see Fig. 1). The flap 15 is adjusted so that the static pressure at the discharge nozzle 8 is in equilibrium with the pressure in the duct 11. In contrast to claim 9, the static pressures at the discharge nozzle 8 and in the duct 11 are not acting on opposite sides of flap 15. Consequently, Sandre '716 does not disclose a process of controlling an air guiding flap such that the pressure on opposing sides of the air guiding flap approaches equilibrium. Thus, claim 9 patentably defines over Sandre '716 and the rejection should be withdrawn.

IV. The Objections

Claim 4 was objected to for an informality in the misspelling of the word "charactersied." This has been corrected in claims 1-9. This objection should be withdrawn.

Claims 4-8 were objected to as being dependent upon a rejected base claim. As discussed previously, claims 4-8 depend directly or indirectly from claim 1, which is now in condition for allowance. Therefore, Applicants respectfully assert that claims 4-8 are also now in condition for allowance, because they depend from an allowable independent claim. This objection should be withdrawn.

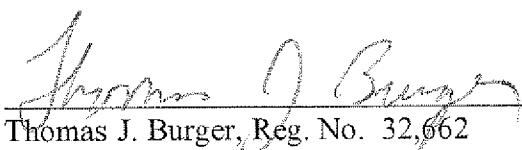
The specification is objected to because the Abstract allegedly contained impermissible language "the invention relates to." The Abstract has been amended to remove this language. As a result, this objection should be withdrawn.

V. Conclusion

Based on the amendments to the claims and these remarks, Applicants respectfully asserts that all present claims are in condition for allowance, and respectfully requests an allowance without further delay.

It is believed that no fee is due for this filing. If any fee is deemed due, consider this as an authorization to charge Deposit Account 23-3000 therefore.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

By: 
Thomas J. Burger, Reg. No. 32,662

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
Voice: (513) 241-2324
Facsimile: (513) 241-6234